



TOWN OF PALM BEACH

MINUTES OF THE TOWN COUNCIL MEETING HELD ON MAY 9, 2023

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of May 9, 2023, was called to order at 9:30 a.m. in the Town Council Chambers. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the Invocation. Council President Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

Council President Zeidman stated the following time certain listed on the agenda:

Item No. XI.B. Annual Report of the Retirement Board of Trustees, Daniel W. Stanton, Chair – 10:00 AM

Item No. VIII.B. Presentation By Michael Meekins, Executive Director, Port of Palm Beach – 10:30 AM

Item No. VIII.C. Legislative Update, Mat Forest, Lobbyist – 11:00 AM

President Zeidman asked City Attorney Randolph to explain Senate Bill 250, recently approved by the Senate and the House. Mr. Randolph read Section 14 of the legislation on municipalities or counties located entirely or partially within 100 miles of where Hurricane Ian or Hurricane Nicole made landfall, and the imposition of more restrictive or burdensome zoning regulations. He advised the Town Council to consider deferring the Zoning in Progress Resolution.

President Zeidman preferred to remove the item from the agenda today, but with the caveat that it may be reconsidered if Governor DeSantis vetoes the bill. Mr. Randolph said if the item is removed from the agenda, the Town Council will need to advise staff, as a council, when and if the bill is to be revisited.

Mayor Moore said it did not make sense to adopt something that would create uncertainty in the community. She agreed that this item should be withdrawn.

Mr. Randolph reported that others had suggested that this bill may have been intended to address properties impacted by the hurricanes and may not be as broad as some believe. He also reported that he had spoken with other municipal attorneys and personnel from the Florida League of Cities who believe this bill is very broad.

Council President Pro Tem Lindsay referred to the assault on home rule that has been a concern for several years. She said this bill has far-reaching terms and asked what the thinking was behind such a bill that seemed completely arbitrary. Mr. Randolph responded that the legislation was prompted to address property damage issues but became more broad. Nevertheless, the wording of the legislation is clear. Council President Pro Tem Lindsay asked if the Town Council deferred or withdrew the Resolution if Mr. Randolph and Mayor Moore would be interested in writing a letter to legislators to mention the ambiguity and arbitrary nature of the bill. Mr. Randolph said if the Town Council desires a letter be sent to Governor DeSantis, that can be done. He said other communities are writing letters to the Governor.

Mayor Moore thought the legislature was trying to protect those residents who had experienced damage from the hurricanes. She supported writing a letter to change the radius from 100 miles to 50 miles from where either hurricane made landfall.

Council Member Crampton said he would favor a structured legal pause with a clear definition of the exceptions and waivers, a liberal interpretation of acceptance in the system, and an end date of six months. However, he would not support a Resolution that would be disruptive to residents. He supported removing the Resolution from the agenda.

Council Member Cooney asked how the broad language in this bill would impact the zoning study that is in progress. Mr. Randolph said he does not believe the study needs to be paused; this legislation ends on October 1, 2024.

Mr. Randolph advised that the Zoning in Progress for restaurants, nightclubs, private clubs, and bars should also be paused.

Council Member Araskog was in favor of withdrawing the resolution. She felt that this legislation impacted home rule and wanted to see a letter to the Governor, and possibly the Senate and House to discuss the broad nature of the legislation and how it impacts local government.

Council President Pro Tem Lindsay reiterated the ambiguity in the legislation.

President Zeidman asked that the Time Certain originally scheduled for the consideration of adopting the Zoning in Progress be maintained on the Agenda for Public Comment. There was consensus of the Mayor and Council to do so.

The following modifications were made to the agenda:

The withdrawal of Item No. XIII.B.10. Consideration and Possible Approval of a Zoning in Progress for R-B Single-Family Residential Zoning District

Motion was made by Council Member Cooney and seconded by Council Member Crampton to remove Resolution No. 063-2023 from the agenda but retain the time certain 2:00 PM for communications from residents relative to the subject matter. On roll call, the Motion passed unanimously.

The addition of Item No. XIII.B.11. Consideration of Approval of Four Arts Agreement Postponed from the March 14, 2023, Town Council Meeting.

IV. APPROVAL OF AGENDA

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the agenda, as amended. On roll call, the Motion passed unanimously.

V. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore recognized Police Department employees, Marlene Peralta and Richard Friedman, each for their 5 years for their years of service. She also announced the retirement of Eric Brown, Assistant Director of Public Works, after 20 years of service. Mr. Brown was present and recognized for his retirement.

VI. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog acknowledged the hard work the council has been doing to preserve the charm of the town. She has heard some statements regarding variances and the reasons they have been granted. She believes the code needs to be tweaked and updated but thinks it is critical not to have the Planning and Zoning Commission meet during the summer months. She would like to see the schedule during in-season months, to allow all residents to participate.

Council President Zeidman referenced a letter received with a petition attached regarding the Meat Market and the noise being experienced by nearby residents after 10:00 p.m. She stated that the correspondence was sent to Chief Caristo, and he has been asked to assist with how to address this ongoing issue. Affidavits will be taken about the noise and disruption to neighboring residents. Subsequently, it will be referred to the Code Enforcement Board.

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were none.

VIII. PRESENTATIONS

- A.** Presentation of the Goldsmith Scholar Award
Danielle H. Moore, Mayor

Mayor Moore gave a history of The Goldsmith Scholar Award program, which will be in place for a decade and will total \$750,000 in scholarship awards. The Goldsmith Scholar Award, in the amount of \$7,500, was awarded to Briana Molyneaux, stepdaughter of Town of Palm Beach Firefighter, Lauren Guzik-Molyneaux.

B. Presentation By Michael Meekins, Executive Director, Port of Palm Beach
TIME CERTAIN: 10:30 AM

Mayor Moore congratulated Michael Meekins on his new position. Mr. Meekins stated that he looks forward to working with the Town Council and staff. He let the council know that he did a presentation for his board on the City of Riviera Beach and the Mooring project last month. His biggest concern was the welfare of the channel and the basin and the possibility that one of the vessels could sink and stop vessel traffic. Last weekend, a moored vessel sank and the Port had to pay to have the vessel picked up, refloated and moved. He will be working with cities in the future to mitigate similar issues in the future.

C. Legislative Update
TIME CERTAIN: 11:00 AM
Mat Forest, Lobbyist

Mr. Forest, Ballard Partners, provided the 2023 legislative update. He discussed Senate Bill 774 and House Bill 37, formerly known as Financial Disclosure for Elected Officials. This bill pertains to spending authority, and the lobbyist could not get an amendment.

Another bill the lobbyist tried to make a compelling argument for was the grandfathering of elected officials and existing terms. That bill passed and is pending review by the governor.

Mayor Moore stated she had reviewed Form 6 and asked what Mr. Forrest thinks the Commission on Ethics is looking for when they say any asset worth more than \$1,000 has to be listed. Mr. Forrest said elected officials can aggregate household items and report the same in a lump sum. He said they are looking for a full picture of what elected officials have, and it is a self-reporting mechanism/disclosure, not an audit. Mr. Forrest said the Florida Commission on Ethics has a robust website with much informational data to assist elected officials in completing the required Financial Disclosure form.

Council Member Araskog asked about an elected official's net worth, which requires disclosure on Form 6. Mr. Forrest said the information should be disclosed if the question is asked on the form. Council Member Araskog expressed concern about listing all assets from a security perspective. Mr. Forrest said this bill had not been signed yet, but once signed, it would apply to every local government across the State of Florida.

Mr. Forrest discussed the historic preservation bill, which would be retroactive. He said that as filed, it would have applied to every structure in the town. He was involved in the

entire process and corresponded with Mr. Randolph and Mr. Bergman throughout the session. On the last day of the session, the Town of Palm Beach was carved out of the bill. The bill will not impact the Town of Palm Beach; it is dead and did not pass. However, he believes the bill has not gone away; it will be back. Mr. Forrest advised the Town Council to work with staff to investigate ways to mitigate the problems, such as incentivizing rather than mandating, and identify how Palm Beach is unique from other cities. He suggested the Town Council try to get as many important locations as possible on the National Register.

Council Member Cooney previously served on the Historic Preservation Board for several years. He was concerned about HB 423. He said the history of Florida certainly has great influence from the history of development, construction, and development. He asked if some of these bills have specific developer influences and whether we know who may be pushing the bill. He also commented that the National Register has never been a priority for listing because it confers no demolition protection.

Mr. Forrest said he would not single out any developer. This legislature is property rights-oriented, business oriented, and there are examples of other local governments going too far in the other direction the legislature will react.

Council President Pro Tem Lindsay said the Town Council was shocked by some legislation. She asked why the bill was a surprise, stating the Town Council had just recently spoken about going to a Zoning in Progress. She asked when the bill was introduced. Mr. Forrest said SB250 was not on the radar. He never received alerts from the Florida League of Cities. After some research, Mr. Forrest found that Hurricane Ian and Nicole directly impacted Senator Passidomo, who resides in the Naples area and head to relocate from her home. She assembled a committee that included folks from the League of Cities, contractor association groups, and her staff and asked what had been learned from the hurricanes. A comprehensive bill was created to cover a lot of the issues experienced because of the storms. The League of Cities was engaged, and the bill is very broad. Mr. Forrest contacted the senate sponsor, and he learned the City of Naples was trying to change its development code right after the hurricane, causing uncertainty and prohibiting people from repairing or selling their homes. The Florida League of Cities indicated the scope was originally 29 counties, and they could scale that back to 'within 100 miles of where the hurricanes made landfall'. They also said that originally, the bill was going to be multiple years, and the timeframe was also scaled back. He believes the 100-mile radius was set deliberately for a specific reason.

Council Member Crampton thanked Mr. Forrest for the work he is doing. As Chairman of the Board of the Science Center, he endorsed Mr. Forrest for all he has been doing. He looks forward to being engaged with Mr. Forrest in the future.

Council Member Araskog asked for additional information about this bill being presented without anyone knowing. Mr. Forrest responded.

Aimee Sunny, Preservation Foundation of Palm Beach, thanked Mr. Forrest for the work done on Historic preservation during the legislative session. She also thanked the staff and town council for their leadership throughout the legislative session. The Preservation Foundation is going to undertake strategic planning this summer and would like to work with Town Council on a portion of this to talk about the national register benefits, downsides, and any other things that need to be discussed in an effort to protect the town from the overreach of these bills in the future.

A short recess was taken at 11:50 AM, and the meeting reconvened at 12:00 PM

IX. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A.** Presentations by the Applicants and Appointments to the Investment Advisory Committee
Pat Gayle-Gordon, Deputy Town Clerk

Annette Geddes presented her application to the Town Council. The other applicants were not in attendance.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to appoint Annette Geddes, Lloyd McAdams, and Chris Storkerson as resident members of the Investment Advisory Committee. On roll call, the Motion passed unanimously.

X. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the Consent Agenda, as amended. On roll call, the Motion passed unanimously.

B. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Deputy Town Clerk
 - a. April 3, 2023, Town Council Meeting Minutes
 - b. April 4, 2023, Town Council Meeting Development Review Minutes
 - c. April 12, 2023, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 26, 2023
Wayne Bergman, Director of Planning, Zoning and Building

C. RESOLUTIONS

1. RESOLUTION NO. 045-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of

RFP No. 2023-09, Janitorial Services to Kleen-Tech Services Corporation as the Primary Awardee and Velociti Services as the Secondary Awardee in the Annual Amount of \$255,000 and Establishing a Five-Year Award in the Amount of \$1,409,036 based on Satisfactory Performance and Budget Authorization.

Dean Mealy, Procurement and Contract Manager

2. RESOLUTION NO. 046-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding RFQ No. 2023-12, Pre-Qualification of Seawall Construction Contractors to Murray Logan Construction, LLC; Kiewit Infrastructure South Co.; Poseidon Dredge & Marina Inc. and Kelly Brothers, Inc.

Dean Mealy, Procurement and Contract Manager

3. RESOLUTION NO. 047-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Access to the Lake County Florida Contract for Fire Equipment, Supplies and Services to Bennett Fire Products Company, Inc. for a Five-Year Award in the Amount of \$300,000 Based on Satisfactory Performance and Budget Authorization.

Dean Mealy, Procurement and Contract Manager

4. RESOLUTION NO. 048-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding ITB No. 2023-27, Lake Trail Sanitary Sewer Main Repair to Johnson Davis Inc. in the Amount of \$155,000 and Establishing a Project Budget of \$172,500.

Dean Mealy, Procurement and Contract Manager

5. RESOLUTION NO. 050-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order in the Amount of \$24,500 to Kimley-Horn and Associates, Inc. for Construction Phase Services Amendment related to A-6 Pumpstation Improvements.

Dean Mealy, Procurement and Contract Manager

6. RESOLUTION NO. 051-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFQ No. 2023-23 for Construction Phase Engineering Services for Phipps Ocean Park Improvements to Kimley-Horn and Associates, Inc.

Dean Mealy, Procurement and Contract Manager

7. RESOLUTION NO. 052-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a retroactive Change Order in the Amount of \$30,000 to ZoneCo Associated to Code Reform Work Performed.

Dean Mealy, Procurement and Contract Manager

8. RESOLUTION NO. 053-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Woods Hole Group, for a Coastal Resiliency Flood Vulnerability Assessment Update and Priority Planning in the amount of \$283,249 and Establishing a Project Budget of \$296,000.
Dean Mealy, Procurement and Contract Manager
9. RESOLUTION NO. 054-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$68,540 to Woods Hole Group, a CLS Company, for Water Level Monitoring, and Establishing an Initial Water Level Monitoring Budget of \$72,000.
Dean Mealy, Procurement and Contract Manager
10. RESOLUTION NO. 055-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Stryker Medical for the purchase of Four Resuscitation Devices for the Fire Department in the Amount of \$78,267.88.
Dean Mealy, Procurement and Contract Manager
11. RESOLUTION NO. 056-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Locally Funded Agreement between the Florida Department of Transportation (FDOT) and the Town of Palm Beach for the Amount of \$167,821, and Maintenance of Memorandum Agreements for the Roadwork Construction Along Sr-A1A from North of Emerald Beach Way to South of Royal Palm Way Project.
H. Paul Brazil, P.E., Director of Public Works

D. OTHER

1. Donation Acceptance - Palm Beach Police & Fire Foundation
Nicholas Caristo, Chief of Police

XI. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Planning and Zoning Commission
Gail Coniglio, Chair

Gail Coniglio, Chair, Planning and Zoning Commission, provided the annual report. She reported on some of the processes directed to the PZC by the Town Council for review. She updated the Town Council about PZC discussions about Business Tax Receipts, nonconforming lots, mechanical equipment on rooftops, building height measurements, and freeboard. She asked for guidance from the town Council related to the PZC review with respect to variances. She asked the Town Council to share their opinion about using multiple variances.

There was some discussion, and the Town Council discussed their expectations for PZC when reviewing variances. There will be times when there is a genuine need for a variance. Chair Coniglio asked if she would have support from the town council and the community going forward, to try to balance the hardship option. Council President Pro Tem Lindsay affirmed but cautioned about property-owner-imposed hardships. She agreed that historic properties are treated differently, but she is hopeful that the newer code will be a guiding tool that will almost eliminate the need for variances.

Council President Zeidman stated that while she agreed with the council discussion, she thought granting of variances should remain with the Town Council.

Council Member Araskog stated that many variances are because property owners desire a larger home. She believes it is important to take this into consideration. She agreed that it should stay with the town council because of the volume of variances that are being requested.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve the Annual Report of the Planning and Zoning Commission. On roll call, the Motion passed unanimously.

B. Annual Report of the Retirement Board of Trustees

TIME CERTAIN: 10:00 A.M.

Daniel W. Stanton, Chair

Dan Stanton, Chair, Retirement Board of Trustees, stated that the other members of the board should be recognized: Ed Carter, David Lambert, Tom Parker, and John Copeland. Representing the Fire Department was Michael Marx, a long-serving member of the Board, and representing the Police Department was Captain Joseph Guelli, and General was Jason Debrincat, and representing the town more broadly was Bob Miracle, ex officio.

Mr. Stanton presented the Annual Report of the Retirement Board of Trustees.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the Annual Report of the Retirement Board of Trustees. On roll call, the Motion passed unanimously.

XII. COMMITTEE REPORTS

A. Report of the Business and Administrative Committee Workshop Held on April 24, 2023

Lew Crampton, Chair

Council President Pro Tem Lindsay and Council Member Crampton presented the parking plan and program details. The Town Council is being asked to approve or provide a consensus opinion for elements of the 7-point program while allowing staff to work the

details out during the summer. Subsequently, the program will return to the town council for approval. He explained the 7-points as follows:

- 1) Palm Beach Resident parking decal
- 2) Expansion of paid parking using the park mobile system
- 3) Valet parking on Worth Avenue and South County Road
- 4) Transit operations options for customers and employees
- 5) Signage program directing drivers to the parking program areas
- 6) Addition of 30 minutes in and out parking spaces in commercial districts
- 7) Creating a parking facility in the business district

Council President Pro Tem Lindsay stated that her reaction to the workshop was in accordance with Council Member Crampton's comments. She said at the same time, there were some reactions to paid parking not being desired, there was also reassurance from one of the owners of the Apollo Lot that they were committed to maintaining the same level of public parking as exists today. She stated that valet is a key piece of this program, but she believes there is a commitment to valet, and during the summer months, the program will be evaluated carefully. The Town Council will reevaluate the program in the fall.

Mayor Moore thanked the committee for their work and fully supported the program.

Council Member Araskog expressed concern about point number two. She does not want to move forward with transit options in a pilot program. She also noted that the petition mentioned was not included in the backup, but Council Member Crampton said it was out of date to include in the backup. He further explained the logic behind some of the points presented. Council Member Araskog was not supportive of paid parking on Worth Avenue.

Council President Pro Tem Lindsay stated the transit option that is being piloted covers less than a third of the population. That data will be forthcoming. She said that as this gets implemented on Worth Avenue, they are trying to encourage trucks servicing retailers to park off the avenue because they occupy many parking spaces.

Council Member Cooney said as someone who has worked in town and lives in a commercial district, he said there are private lots that are underutilized and perhaps the town can work with property owners to reach agreements for use. Presently, several residential areas meld in with commercial areas. Some reasonable impact from the businesses should be expected in those areas.

Police Lieutenant Paul Alber made a presentation about Palm Beach Traffic and Parking. In addition, Lt. Alber provided some statistical information and talked about enforcement and some of the immediate changes that may be implemented.

Council Member Crampton would like for the Town Council to authorize staff to work on the details for beginning each of the previously presented seven programs. He would like to take advantage of the Corradino Group work as it is released and data taken from the transit option. In September, those elements that the Town Council approved would be implemented before the season.

Jane B. Holzer, 980 S Ocean Blvd, stated that valet parking was never backed up with enough signs for specific valet spaces. That was an enforcement and signage problem. She felt that the Worth Avenue merchants were being punished because the town lacked staff.

She also noted that beachgoers will end up parking their vehicles on Worth Avenue, which will be problematic.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to accept the report and recommendations of the Business and Administrative Committee Workshop held on April 24, 2023. On roll call, the Motion passed 4-1, with Council Member Araskog dissenting.

A recess for lunch was taken at 1:00 PM, and the meeting reconvened at 1:40 PM

XIII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Proposed Strategic Plan Mission, Vision, and Strategic Objectives

RESOLUTION NO. 062-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Town's Strategic Plan Mission Statement, Vision Statement, and Strategic Priorities.

Carolyn Stone, Deputy Town Manager

Mayor Moore presented the proposed strategic plan mission, vision and strategic objectives. She turned the item over to Carolyn Stone, Deputy Town Manager.

Ms. Stone said this is a follow-up from the April Town Council meeting. This is a recommendation from the Strategic Planning Board.

Council Member Araskog suggested a change in the wording of the Vision Statement to include "wanting to preserve our small-town character and charm."

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve Resolution No. 062-2023. On roll call, the Motion passed unanimously.

2. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

H. Paul Brazil, P.E., Director of Public Works

Patricia Strayer, Town Engineer, provided an update about the undergrounding project. She noted that poles have started being removed. She said the contractor had made a commitment to address sidewalks in October of this year.

Council Member Cooney said many tree roots have been disturbed in conjunction with the underground project and, in particular, in the vicinity of North Lake Way. He said it looks like an underground panel and a box is being installed at this site.

A tree has been there for many years, and the roots seem to have been significantly impacted. Ms. Strayer said there is awareness about maintaining landscaping.

Council Member Araskog said many of the cable boxes are lifting. She asked if Public Works could look at the boxes. Ms. Strayer said those are the responsibility of Comcast, and she will have the right-of-way inspector take notes so she can reach out to Comcast.

3. Evaluation of Alternatives to Relocate Garbage and Recycling Pickup at Lake Drive Park - Update
H. Paul Brazil, P.E., Director of Public Works

H. Paul Brazil, P.E., Director of Public Works, stated that Town Council had directed staff to purchase a garbage truck to be placed at the north end, inside the existing Public Works complex. Site improvements, costs, etc. have been minimized to see if the adjacent neighbors would have complaints about moving that function. As for moving the compactor at the center parking lot, staff was going to see if the garbage truck could serve as a mobile compactor. A garbage truck was not purchased because the lead time for purchase exceeds a year. The staff looked at obtaining a rental garbage truck. From the trial, it was noticed that this did not go well operationally. It takes many resources to carry out this new service as opposed to marina staff members collecting the garbage and placing it in a compactor or dumpster, they were collecting it and disposing of it. Given the volume of garbage, this service would have to be seven days a week.

Mr. Brazil provided some alternatives for consideration:

- 1) Go back to using the compactor six days a week as it was originally designed, \$28,000 per year for contact service.
- 2) Go to a permanent version of the garbage truck at the north end; that permanent version would entail the eventual purchase of a garbage truck but living with a rental truck in the meantime. Sitework would be involved to include the installation of a permanent pad. The lease would be approximately \$76,000 per year. There would be \$28,000 for the compactor service, either six or seven days per week.

Mr. Brazil said to purchase a garbage truck would be approximately \$152,000, assuming the vehicle is ordered during the current fiscal year. Again, the compactor service would be necessary for marina use over the weekends. Site work would have to be done at approximately \$100,000, and site work could be approximately \$140,000.

Mr. Brazil said the compactor could be moved to the north end of the park, get rid of the garbage truck, and have six days per week of commercial pick-up for the compactor. Staff discussed why the location was where it was before, but if it were moved to the north end, a substantial amount of greenspace would be lost. Other hardscaped areas would need to be identified and converted to green space to accommodate the loss of green space at the north end.

Council President Pro Tem Lindsay asked if the combination was used with a truck and if a smaller compactor could be used. Mr. Brazil said yes, but the existing compactor was sized for the needs of the marina. She said the operation must be relocated, as she believes it was a mistake to use that location. Mr. Brazil said a survey and engineering had been done to map out the space needed. He said that can be done if the Town Council desires other equipment and compactors to be explored. However, many alternatives have already been explored. Council President Pro Tem Lindsay stated she felt some obligation to correct a mistake by placing someone else's garbage in front of homeowners, which impacts them six days a week.

Council Member Crampton said placing compactors, stinky garbage, and noise in front of residential homes is unacceptable. Providing less than five-star services to the yacht owners is unacceptable. He said the town needs a solution to this situation.

Mayor Moore asked if additional staff would be required. Ms. Stone said only if the town continues to use the garbage truck model. If the town continued to use the compaction system, which works exceedingly well, there would be a continued contract. Trash runs would not be required as is happening currently, which requires additional staff. Mayor Moore reminded everyone that the reduction in green space triggers a referendum. She was also concerned about setting a precedent with this garbage program.

Council Member Araskog agreed with Mayor Moore and expressed concern about the cost of changing the garbage and recycling pickup at Lake Drive Park.

Council President Zeidman said this needs to be resolved, and only a few options exist. The program can remain the same, or it can be moved. She said the only way greenspace could be found would be by giving up parking. However, reducing parking would impact the marina. Council President Zeidman asked how many square feet would be removed to accommodate a change. Mr. Brazil said one hundred percent of the canopy area would be lost, and staff would look for more green space. Council President Zeidman thought everyone had tried very hard to make this work. However, the situation does need to be made better.

Mr. Brazil stated he would perform the following research:

- 1) Resurrect the alternative with the existing compactor at the north end of the park with green space.
- 2) Find out what it would take to place compactor/equipment alternatives at the north end of the park with minimal impact.
- 3) See what it would take to beautify the existing area.

A resident of 369 S Lake Drive said there had been no rats since the program was implemented. He lives on the fifth floor overlooking the main parking lot, and he has never seen it filled overnight.

4. Review of Proposed North County Road Alignment
H. Paul Brazil, P.E., Director of Public Works

Ms. Strayer stated this presentation was made to the Town Council in February and following that meeting, adjustments have been made to the proposed North County Road Alignment. She stated that changes were being made to the drainage, curbing and elevation and if approved would be presented to the Landmarks Preservation Commission.

Brent Whitfield, Chen, Moore and Associates presented the proposed improvements for Wells Road to Miraflores Drive. He said the intent of the project is to recognize that phases 6 and 7 of the undergrounding project will be impacting North County between now and next year. Public Works sought opportunities to improve drainage, safety, and aesthetics. He believes a solution that will best meet the corridor's character has been reached.

Mayor Moore believes this project is a big improvement to the site's current condition and supports moving forward.

Council President Pro Tem Lindsay asked if Mr. Whitfield was confident that this project is much improved from a safety perspective. He said yes. Council President Pro Tem Lindsay asked if the area would have the same look and feel after improvements. Mr. Whitfield said the width has not changed, but the length has been reduced to accommodate the proper turning radius coming out of Canterbury, headed southbound.

Council Member Araskog asked if the yellow line could be white, and Mr. Whitfield said the yellow is to separate traffic in a different direction and has to remain yellow.

Stuart Bell, 120 Canterbury Lane, expressed support for the proposed project.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to forward the project to Landmarks Preservation Commission for approval. On roll call, the Motion passed unanimously.

5. Consider The Breakers' Request for Support for the Mid-Town Headland Erosion Control Project
H. Paul Brazil, P.E., Director of Public Works

Rob Weber, Coastal Program Manager, stated that the Town of Palm Beach, the Breakers and the Florida Department of Environmental Protection have been working together for a coastal solution for the Mid-Town Headland area. Even though this area is in Mid-Town Beach Nourishment Project, this area still requires additional attention and adaptive management. The Breakers has recently submitted a permit application to proactively address this area. The Breakers continues through their permitting process, The Breakers Coastal Consultant and the Town's Coastal Consultant have determined that the southerly extension of this structure is

necessary to transition the shoreline from The Breakers to the Mid-Town area, which tops out at Clark Beach.

Council Member Araskog asked who would prove the at-fault party if there were to be an issue. She also asked if the southern part is across the town's property, who would be liable if someone were to get hurt. Mr. Weber responded.

Jamie Crowley commented on the benefits of the project and thanked the Town Council for their support.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve support for the Mid-Town Headland Erosion Control Project at the request of the Breakers Hotel. On roll call, the Motion passed unanimously.

6. RESOLUTION NO. 057-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 230665 to The Corradino Group, Inc. for Traffic Engineering Planning Services in the amount of \$86,633 for a new Purchase Order Total of \$417,428.

Dean Mealy, Procurement and Contract Manager

The Corradino Group on the traffic and parking study will require approximately \$87,000 more to complete the study.

Mr. Miracle stated that this is what the costs are at this time and if there are other expenses between now and the end of the project, additional change orders may be requested.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 057-2023. On roll call, the Motion passed 4-1 with Council Member and Cooney dissenting.

7. RESOLUTION NO. 058-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 220819 to ZoneCo for \$750,000 for Code Reform for a new Purchase Order Total of \$1,170,000.

Dean Mealy, Procurement and Contract Manager

Mr. Bergman said with the schedule, number of meetings proposed, amount of people involved, the staff believes that ZoneCo would be approximately \$1.2 million in total from start to finish. The staff is asking for approximately \$750,000 on their PO to pay for their post-charette work and the modules, including pre-codify, codify, and adoption.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 058-2023. On roll call, the Motion passed 4-1 with Council Member Araskog dissenting.

8. RESOLUTION NO. 059-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a Change Order for Purchase Order No. 220829 to The Corradino Group, Inc. for \$305,000 for Code Reform for a new Purchase Order Total of \$450,000.
Dean Mealy, Procurement and Contract Manager

Staff believes the Corradino Group will require approximately \$450,000 from start to finish. Staff was requesting \$305,000 to their Purchase Order to carry them through to the end of the project.

Council President Zeidman asked Mr. Bergman to explain why the project has increased in cost. Mr. Bergman said when Sean Suder and Joe Corrodino came to the table, they had a vague idea of what this process could look like but had no idea of the demands upon their time, the types or number of meetings that would be required. They started putting some projection numbers together based on other projects and last fall, it was realized by staff as the scope of work was being developed, that this could be a more expensive and complicated process than was originally envisioned. Additional costs were incurred with the addition of public involvement which included meetings, monthly updates by Sean Sudor, and charettes.

Anita Seltzer, 44 Cocanut Row, spoke about the payment to ZoneCo and Corradino. She did not understand the increased cost.

Council Member Araskog stated she was also concerned about the increased cost.

Council President Zeidman explained the process.

Council Member Crampton asked if staff could assemble a diagram to show how this project is coming together with increased costs. He said the Bert Harris Act is to consider as the town moves into the zoning process. He had no issue with Rachel Streitfeld participating since she seems to be a specialist in how these code developments are written and how Bert Harris impacts them.

Mr. Miracle explained the billing structure. He said proposals were based on milestones and deliverables. The scope of each module and what it entails is spelled out in the contract and will not be paid until those milestones and deliverables have been met.

Mr. Bergman clarified that this is for assistance with resiliency sustainability issues, rising sea levels, FEMA, etc. Mr. Brazil said the Woods Hole Group is doing the

public infrastructure, public impacts, seawalls, etc. This is to provide the funds that the staff believes will be needed to finish the project.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Resolution No. 059-2023. On roll call, the Motion passed unanimously.

9. Discussion on Construction Timeline for Linear Park (Midtown Seawall)
Bobbie Lindsay, Council President Pro Tem

Council President Pro Tem Lindsay said there are a lot of projects ongoing in one particular area. Bridge painting began, and she asked what the duration would be and whether any issues had been caused. Also, two state projects might be delayed. She said her concern was the large project beginning during the season: the linear park and the new seawall. She said she understands that Phase 5 South and Phase 4 South in the Midtown area will remain ongoing. She has received correspondence from residents who are concerned about traversing the island.

Council President Pro Tem Lindsay asked if it would be helpful to delay the construction timeline for Linear Park (Midtown Seawall) until the following spring. She thought this might allow time for projects already in the queue to be completed.

Mr. Brazil said FDOT has two other projects in the area, undergrounding, FDOT mast arms, FDOT milling and resurfacing, restriping, and sidewalk replacement. There is seawall replacement and then build a new park once the seawall is done. The schedule for Linear Park will be after the seawall is constructed. He advised the wall is storm protection. Ms. Strayer has had preliminary conversations with FDOT and staff believes their work can be deferred.

10. Consideration and Possible Approval of a Zoning in Progress for R-B Single-Family Residential Zoning District

RESOLUTION NO. 063-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring and Implementing Zoning In Progress for All Residential Properties Within the R-B Low Density Residential Zoning District, Providing for Authorization; Providing for Implementation; and Providing an Effective Date.

TIME CERTAIN: 2:00 PM

Margaret A. Zeidman, Town Council President

This item was withdrawn but time was allowed for Public Comment to be heard.

Council President Zeidman asked Mr. Randolph to review Senate Bill 250 for everyone present. She briefly explained the Zoning in Progress Resolution and how it became an agenda item.

Mr. Randolph explained the effect of SB 250.

The following members of the public made comments about the Zoning in Progress:

Carol Franklyn, 1105 N. Lake Way, Palm Beach, FL
John Owen Picketts, III, 2160 Notre Dame Drive, Lake Worth Beach, FL and
President of the Palm Beach Board of Realtors
Jeff Marcus, 920 N. Lake Way, Palm Beach, FL and Realtor
Katherine “KT” Catlin, 265 Fairview Road, Palm Beach, FL
Michelle Anaya DePotter, CEO, American General Contractors, Florida East
Coast, 515 N. Flagler Drive, West Palm Beach, FL
Kim Frisbee, 6 Via Flagler, Palm Beach, FL
John Bison, 970 N. Lake Way, Palm Beach, FL
Jamie Gavigan, Shutts & Bowen, representing the Society of the Four Arts and
228 Via Las Brisas
Gary Pohrer, 1356 N. Ocean Boulevard, Palm Beach, FL
David Klein, Rabideau & Klein, representing 206 Caribbean Road
Allan Thomas, 256 Orange Grove Road, Palm Beach, FL
Maisie Grace, 247 Seaspray Avenue, Palm Beach, FL
Anne Pepper, 333 Seaspray Avenue, Palm Beach, FL
Doug Fagan, 100 Worth Avenue, Palm Beach, FL
Carolyn Forest, 211 Seaview Avenue, Palm Beach, FL
Jamie Crowley, Gunster Law Firm, representing Kim and Scott Gordon; 1495 N.
Ocean Blvd. LLC and 304 Garden Road, LLC
George Ford, Leeds Custom Design and Seabreeze Bldg., West Palm Beach, FL
Natalie Emerson, 261 Nightingale Drive, Palm Beach, FL
William Gilbane, 795 N. Lake Way, Palm Beach, FL
David Kelso, 255 Monterey Road, Palm Beach, FL
Carolyn Pressley Ryan, 171 El Pueblo Road, Palm Beach, FL
Kim Coleman, 555 Island Drive, Palm Beach, FL
Leigh Dunston, 282 Monterey Road, Palm Beach, FL
Pam Dunston, 282 Monterey Road, Palm Beach, FL
Paulette Koch, 132 El Bravo Way, Palm Beach, FL
Liza Pulitzer, 263 El Pueblo Way, Palm Beach, FL
Stan Johnson, 244 Nightingale Drive, Palm Beach, FL
Nicki McDonald, 234 Merrain Road, Palm Beach, FL
Dragana Connaughton, 267 Merrain Road, Palm Beach, FL

Mr. Randolph explained the difference between a Zoning in Progress and a Moratorium.

A short recess was taken at 3:23 PM and reconvened at 3:30 PM

Council President Zeidman thanked members of the public who shared their concerns with the Town Council. She encouraged citizens to continue to be

engaged in the Code Review. She explained the main objectives of the Code Review are to encourage good architecture, preserve the PB charm, to enhance harmony on streets, to look at drainage, fill, FEMA requirements, lot coverage and height, to simplify the code.

Mr. Randolph advised the Town Council not to comment to deliberate on this agenda item since it has been withdrawn from the agenda.

Council Member Crampton commented and expressed appreciation to the citizens who participated in this process.

Council Member Araskog stated that she thinks it is important for the town of Palm Beach to write to Governor DeSantis.

Council President Pro Tem Lindsay said this is a necessary process but she has some hesitation about whether this bill will end in October 2024. She agreed with a letter being sent to the Governor, seeking assurance this bill will end in October 2024.

Council Member Cooney expressed hesitation concerning writing a letter to Governor DeSantis.

Mayor Moore said she would write a letter to Governor DeSantis if that were the pleasure of the Town Council. However, even if the Governor vetoed this, it would go back to the legislators and possibly be approved in the future.

11. Consideration of Approval of Four Arts Agreement Postponed from the March 14, 2023, Town Council Meeting

Mr. Randolph said the Four Arts is seeking Town Council permission to execute an agreement to clarify the original declaration of the road right-of-way agreement. The purpose of the original conveyance was to grant an easement to the town over the Lake Trail Right of Way. This agreement will clarify the intended. There was no intent to deed the property to the town in fee simple, but only to deed an easement for right of way purposes.

James Gavigan, Jr., on behalf of the Society of Four Arts, said the Society of Four Arts does not intend to have any change to the impact of the right of way. When they initially executed the dedication of right of way in 1991, they intended it to be a dedication. The purpose of this item on the agenda is to clarify language in the Agreement. The property appraiser's office could not decipher the document and, therefore, had the property listed as not owned by the Society of Four Arts. The Lake Trail will still be the Lake Trail and will not be impacted by this change.

Mr. Brazil said most properties crossed with the Lake Trail are easements.

Council Member Cooney said his hesitation is that the town has some leverage. He has heard the Society of Four Arts mention the desire to move Lake Trail off of their property. As much as Council Member Cooney respects the Four Arts and respects them as an outstanding cultural institution in the town, he is hesitant to give up a better position. Mr. Gavigan said the actual dedication of right-of-way that was recorded in 1992 has the legal description of where the Lake Trail goes and shows it is an easement that was dedicated. The Society of Four Arts cannot move the location of the Lake Trail, there is no unilateral ability for them to make a change.

Council Member Araskog agreed with Council Member Cooney. She expressed concern about hearing that there is a desire to move the Lake Trail.

Mr. Randolph does not see how the Society of Four Arts could move the Lake Trail arbitrarily. He said that could be added to the agreement.

Council President Zeidman said there is a reason that they are asking for this change. Mr. Randolph said that if the Town owns the easement, they cannot use it as lot coverage when making amendments to their plans.

Mr. Gavigan added that this agreement amends the document recorded in the public records. He said there are proposed renovations to the Society of Four Arts. The fact that the Society of Four Arts is not recognized as the fee owner of the area creates a situation where variances have to be sought if changes need to be made. He said the overall purpose and goal of the society is to have the actual fee be applied for lot coverage and to eliminate the need for variances.

Council Member Crampton thought it was disingenuous to separate them since the second element of what is being asked to be done with the Lake Trail is related to this element. They should be discussed together. When the Four Arts come before the Town Council for a larger project, that particular thing being asked for today should be asked for in the context of the larger project.

Council President Pro Tem Lindsay felt like it was all about the extra space that the Four Arts wants, but she does see Council Member Cooney's point, and unless the Town can be covered clearly in the agreement, she would not want to approve it.

Mr. Randolph said he could clarify this agreement to state that the Town is not giving anything up.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to defer to the June 13, 2023, Town Council meeting to revise the agreement. On roll call, the Motion passed unanimously.

C. New Business

1. RESOLUTION NO. 060-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing waiver of formal competition and Approving a new ten-year food and beverage services agreement at the Town of Palm Beach Par 3 Golf Course to PB Ocean View, Inc. with the option to renew for an additional five-year period based on satisfactory performance and monetary compensation.
Dean Mealy, Procurement and Contract Manager

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to approve Resolution No. 060-2023. On roll call, the Motion passed unanimously.

2. Code Enforcement Board Referral -Trevini Restaurant and Palm Beach Parking Valet Violations
Nicholas Caristo, Chief of Police

Carla Marcote, Code Enforcement Specialist, informed the Council that Mr. Leone, Palm Beach Parking, had left the meeting due to feeling ill and recommended that the matter be deferred.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to defer this matter to the June 13, 2023, Town Council Meeting with a recommendation that a representative of Palm Beach Parking and/or Trevini be in attendance. On roll call, the Motion passed unanimously.

3. Annual Comprehensive Financial Report (ACFR) for Fiscal Year Ended September 30, 2022
Bob Miracle, Deputy Town Manager - Finance and Administration

Brandon Lopez, Director with Marcum, LLP, gave a high-level overview of the Annual Comprehensive Financial Report for the town. He stated that this audit is a financial statement and compliance audit. Mr. Lopez reviewed the compliance reports. He said the Town of Palm Beach received a clean opinion with no findings identified in the financial or in the federal awards compliance audit.

Council Member Crampton asked about the status of the town's reserve funds. Mr. Lopez responded. Mr. Miracle added that the town is in a good financial position.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to accept the Annual Comprehensive Financial Report (ACFR) for fiscal year ended September 30, 2022. On roll call the Motion passed unanimously.

4. Consideration of Settlement Regarding Code Enforcement Liens on 226 and 287 Pendleton Avenue
John C. Randolph, Town Attorney

Mayor Moore recused herself and left the dias for this item.

Mr. Randolph stated that an agreement has been reached to resolve this case.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve the settlement agreement regarding 226 and 287 Pendleton Avenue. On roll call, the Motion passed unanimously.

5. Commercial Motion Picture Application
Kirk W. Blouin, Town Manager

Veronica Salanitro said a location agreement had already been secured for scheduled filming next week.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to deny the request for commercial motion picture filming. On roll call, the Motion passed unanimously.

Ms. Salanitro asked if filming could be done inside the businesses with permission.

Mr. Randolph did not see any reason to disallow filming inside a business, but he did say there had to be consideration given to the impacts, such as parking.

Council President Zeidman did not think the request should be permitted. This would also be setting a precedent that is not desired.

6. Discussion on Approval Processes for Large Commercial Projects
Julie Araskog, Town Council Member

- A. Commercial Projects that are reviewed by ARCOM or LPC and Town Council (Combo Projects)

Council Member Araskog recalled conversations where projects were being deferred to ARCOM or LPC, but they were not the large commercial projects requesting multiple variances. She thought the large projects requesting multiple variances should be presented to Town Council prior to ARCOM or LPC.

Mr. Bergman recognized that Paul Castro, an employee in Planning, Zoning and Building, was instrumental in identifying the matter that occurred 15 years ago and created some problem. Mr. Bergman agreed with Mr. Randolph and Council Member Araskog with large commercial projects being presented to Town Council first. Mr. Bergman said that once a variance is approved, that is an entitlement to the property owner. His concern was that ARCOM or LPC might feel that their hands are somewhat tied with those approvals already granted.

Mr. Randolph stated that the Variance could be conditioned upon approval by ARCOM or LPC.

The Consensus was to present commercial and multi-family projects to Town Council for review and approval before being presented to ARCOM or LPC.

B. Whether Commercial Projects should be Scheduled during Summer Months for ARCOM, LPC and Town Council

Mr. Bergman said he received some comments from Paul Castro this morning. A verbal conversation took place yesterday where Mr. Castro indicated that the projects always proceeded equally through the summer and winter months and that he did not recall any work stoppage in the summer during his tenure. Mr. Castro did recall that at some point the Town Council did not meet in August because the town's business was very slow; however, Mar a Lago was an exception, not to be heard during the summer months.

Council Member Cooney thinks this topic is important but is on the fence since summer is not a good time to initiate a large request. Sometimes the approval processes take several months, and he does not want to deprive people of their property rights. ARCOM and LPC meet year-round, and he believes government should be responsive to property owners. He would also be hesitant to create varied classes of property ownership within the town from a fairness perspective.

Council President Pro Tem Lindsay agreed that the Town of Palm Beach is a year-round town. She thanked Council Member Araskog for working on getting projects online and accessible to the public. Council President Pro Tem Lindsay thinks it would be unfair not to accept projects during the summer months.

Council Member Araskog felt there were many large commercial projects being started during the summer.

Council Member Araskog said the second issue is that large projects were not allowed during summer when residents are out of town.

Anita Seltzer, 44 Cocanut Row, said that she was pleased to hear that the Town Council will protect ARCOM and LPC.

Tony Silvansky, Sun and Surf condominium owner, made comments about variances. Specifically, he talked about The Paramount and asked the Town Council to seriously consider deferring the project due to the complexity of the project.

Council Member Cooney asked Mr. Bergman if an applicant could choose to have their project presented to Town Council first. Mr. Randolph suggested there should be a policy rather than having the applicant decide.

XIV. ORDINANCES

A. First Reading

1. ORDINANCE NO. 007-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Repealing Section 106.48, Titled "Unlawful to Solicit from Public Streets or Sidewalks", Providing for Severability, Providing for Repeal of Ordinances in Conflict, for Codification, Providing an Effective Date.
John C. Randolph, Town Attorney

Mr. Randolph read the Ordinance by title only.

Council President Zeidman understood the desire to repeal this ordinance. But stated that panhandling has occurred while residents are in traffic or stopped at a red light and she requested that Mr. Randolph look at what could be added to the ordinance to make it acceptable. Mr. Randolph will return with an Ordinance that will be narrowly tailored to address the panhandling problem.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Ordinance No. 007-2023 on first reading. On roll call, the Motion passed unanimously.

XV. ANY OTHER MATTERS

XVI. ADJOURNMENT

The Town Council Meeting of May 5, 2023, was adjourned at 7:15 PM without the benefit of a Motion.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date